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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,615	11/30/2000	Jukka Suominen	602.335USW1	5276

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,615

Applicant(s)

SUOMINEN, JUKKA

Examiner

Nittaya Juntima

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s) 7
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawing is objected to
 - because drawing elements in Fig 1 need labels, see specification page 4, ll 21-26, and
 - as failing to comply with 37 CFR 1.84(p)(5) because reference 21 in Fig. 1 is not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the inclusion of legal phraseology. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 8-10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following limitations lack of antecedent basis:

- in claim 2, ll 3, "the sum of rejected capacity,"
 - ll 4, "the connections," and
 - ll 5-6, "the returns,"
- in claim 3, ll 3, "the sum of rejected capacity,"
 - ll 3-4, "the connections," and
 - ll 5, "the category,"
- in claim 4, ll 3-4, "the sum of rejected capacity,"
 - in claim 5, ll 3, "the capacity," and
 - ll 4, "the connections;"
- in claim 8, ll 4, "the sum of rejected capacity,"
 - ll 6, "the returns;"
- in claim 9, ll 3-4, "the sum of rejected capacity,"
 - ll 4, "the connections," and
 - ll 6, "the category;"
- in claim 10, ll 4, "the sum of rejected capacity," and
- in claim 11, ll 4, "the connection requests."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 5-7, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (USPN 4,771,424).

Per **claim 1**, as shown in Fig. 1, Suzuki et al. teach a method for routing in a network (a communication network, col. 1, ll 49-54) comprising a plurality of nodes (a plurality of switching nodes 1-4, col. 1, ll 49-54) connected to each other via links (a plurality of relay lines, col. 1, ll 49-54), a network management center (a center node, col. 1, ll 49-54) being connected to said network, in which method a call (a data call, col. 1, ll 45-48) is routed from an originating node (the switching node that outputs data to the destination node, col. 1, ll 45-48 and col. 2, ll 1-8) to a terminal node (the destination node, col. 1, ll 44-48 and col. 2, ll 1-8), characterized in that

- optimization information (the state of delay of data for the relay lines) is defined in a centralized manner (col. 1, ll 55-64);
 - the optimization information is transferred to the nodes (col. 1, ll 58-68);
- and
- the call is routed in the originating node using the optimization information and local status information (the real state of delay of data at the switching node outputting the data) (col. 1, ll 45-48 and col. 2, ll 1-8).

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However, Suzuki et al. fail to explicitly teach that the network is an ATM network and the call is an ATM call.

It would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Suzuki et al. by replacing the network and the data call of Suzuki et al. with the ATM network and the ATM call as recited in the claim. Such modification would have been to enable Suzuki et al.'s method of routing to be utilized in the well known ATM network supporting ATM call which is a change in field of use and involves only routine skill in the art.

Claim 7 is a system claim corresponding to a method claim 1, and therefore is rejected under the same reason set forth in the method claim 1 with the optimization means and means for transferring read on the center node, and means for routing reads on each of the switching.

Per **claims 5 and 11**, it is inherent that the optimization information (the state of delay of data for the relay lines, col. 1, ll 55-64, see also col. 3, ll 47-55) is defined using capacity required by connection requests received by the nodes since the data transmission delay is caused and normally measured by the congestion due to the traffic load, capacity required by connection requests, on each line connecting to each of the switching nodes.

Per **claims 6 and 12**, Suzuki et al. teach that the optimization information (the state of delay of data for the relay lines) is defined in the network management center (the center node) (col. 1, ll 49-68).

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Allowable Subject Matter

6. **Claims 2-4 and 8-10** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 703-306-4821. The examiner can normally be reached on Monday through Friday, 8:00 A.M. - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
August 23, 2004

NJ


KENNETH VANDERPUYE
PRIMARY EXAMINER